

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

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2006 SEP 21 A 9:44

HEATH CLARK

Full name and prison number of
plaintiff(s)

v.

CIVIL ACTION NO. 2:06 cv 843 - MHT
(To be supplied by the Clerk of the
U.S. District Court)

MONTGOMERY AL. CITY POLICE DEPT.

MONTGOMERY AL. COUNTY SHERIFF DEPT.

ARRESTING OFFICERS (John Doe)

AUTO THEFT DETECTIVES (John Doe)

Name of person(s) who violated
your constitutional rights.

(List the names of all the persons)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? Yes () No ()
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? Yes () No ()
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:
Plaintiff(s) N/A

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county)
N/A

3. Docket No. N/A

4. Name of Judge to whom case was assigned N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) N/A

6. Approximate date of filing lawsuit N/A

7. Approximate date of disposition N/A

II. PLACE OF PRESENT CONFINEMENT MARSHALL COUNTY JAIL
LEWISBURG, TN. 37091

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED MONTGOMERY CITY
AND COUNTY JAILS - CITY OF MONTGOMERY
320 N. RIPLEY ST. MONTGOMERY AL. 36104

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME

ADDRESS

1. ARRESTING OFFICERS - (John Doe) 320 N. RIPLEY ST.
MONTGOMERY, AL. 36104
2. COUNTY AUTO THEFT DETECTIVES - (John Doe) P.O. Box 4219
MONTGOMERY, AL. 36103
3. CHIEF OF POLICE - (John Doe) 320 N. RIPLEY ST.
MONTGOMERY, AL. 36104
4. COUNTY SHERIFF - (John Doe) P.O. Box 4219
MONTGOMERY, AL. 36103
5. MONTGOMERY CITY POLICE DEPT. 320 N. RIPLEY ST.
MONTGOMERY, AL. 36104
6. MONTGOMERY COUNTY SHERIFFS DEPT. P.O. Box 4219
MONTGOMERY, AL. 36103

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED AUG. OF 2005
TO FEBRUARY OF 2006, MARCH 2006

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

VIOLATION OF MY FIFTH AMENDMENT
GROUND ONE: VIOLATION OF MY FOURTH AMENDMENT.
ILLEGAL SEIZURE OF PERSONAL PROPERTY
DEPRIVATION OF MY PERSONAL PROPERTY

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place, manner, and person involved).

* STATEMENT OF FACTS WILL BE EXPLAINED
ON ATTACHED PAGE

GROUND TWO: DUE PROCESS VIOLATION

SUPPORTING FACTS: MY PERSONAL PROPERTY WAS SEIZED,
THEN LOST OR STOLEN OR DESTROYED AND
RETURNED TO ME.

GROUND THREE: ALL REMEDIES HAVE BEEN EXHAUSTED
TO RETRIEVE SEIZED PROPERTY.

SUPPORTING FACTS: I'VE WRITTEN LETTERS TO THE CHIEF OF
POLICE, COUNTY SHERIFF, PROPERTY OFFICER,
AUTO THEFT DETECTIVES, ARRESTING OFFICER,
ASKING ABOUT MY PROPERTY. I RECEIVED NO RESPONSES.
MY FAMILY ALSO MADE SEVERAL PHONE CALLS TO
THE DEPARTMENTS AND RECEIVED NO CORROBORATION.
STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE
NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.
REMEDIES REQUESTED - ATTACHED TO OTHER PAGE.

VI.

Thuth B. Chew
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on 9-6-06
(date)

Thuth B. Chew
Signature of plaintiff(s)

1. PG.1 (CONTINUED) - DEFENDANTS
MONTGOMERY CITY CHIEF OF POLICE
MONTGOMERY COUNTY SHERIFF
ET. AL.

PG. 2 of 3 CONTINUED

V. STATEMENT OF FACTS

ON OR AROUND AUGUST 24th OF 2005
I WAS ARRESTED IN MONTGOMERY ALABAMA.

I WAS CHARGED WITH RECEIVING STOLEN PROPERTY
OF A VEHICLE.

IN MARCH OF 2006 THE CHARGE WAS
DROPPED IN COURT - "NO BILL INDICTMENT"

I WAS RELEASED FROM THE JAIL, THEN
EXTRA DICTED HERE TO MARSHALL COUNTY.

MY COMPLAINT IS THAT MY PROPERTY INSIDE
THIS VAN SHOULD OF BEEN RETURNED TO ME
OR /AND RELEASED TO MY FAMILY UPON RELEASE
FROM THE JAIL, UPON REQUEST. BECAUSE THE
PROPERTY INSIDE THE VAN WAS MY PERSONAL
PROPERTY, NOT STOLEN.

THE LAST TIME I SAW MY PROPERTY WHICH
INCLUDED 3 BOXES OF VALUABLE BASEBALL - BASKETBALL
AND FOOTBALL CARDS, ESTIMATES VALUE \$2800.00 2
BASKETS OF CLOTHES, 5-PAIRS OF SHOES, SEVERAL
C.D'S VALUED AT \$500.00 - WAS IN THE
AUTO THEFT DETECTIVE'S OFFICE, DURING QUESTIONING.

I WAS NOT INDICTED FOR THE CHARGE.
I WAS NOT GUILTY OF THE CHARGE. I WAS
MY PROPERTY INSIDE OF THE STOLEN VEHICLE.

I INFORMED THE ARRESTING OFFICERS OF THIS AT
THE TIME OF ARREST. I ALSO INFORMED

(CONT.) STATEMENT OF FACTS

THE AUTO DETECTIVES THE SAME. FROM THE STATE EMPLOYEES' FAILURE TO COMPLY TO MY ANSWERING MY LETTERS, MY REQUEST FOR A CLAIM, AND MY FAMILIES PHONE CALLS. THIS CLEARLY SHOWS DEPRIVATION OF MY PROPERTY, WHICH IS NOW ILLEGALLY SEIZED PERMANENTLY OR INDEFINITELY. THIS PROPERTY IS PROTECTED UNDER MY 4TH & FIFTH AMENDMENTS. I'M CALLING FOR AN ACTION OF CONVERSION, DETINUE AND REPLEVIN.

Heath D Clark
HEATH D CLARK

VI REMEDIES

I WOULD LIKE THE COURT TO AWARD ME MY SEIZED PROPERTY BACK LISTED IN COMPLAINT. IF ALL OF MY PROPERTY IS NOT RETURNED TO ME COMPLETELY AND IN THE CONDITION THE PROPERTY WAS WHEN SEIZED, I WOULD LIKE TO BE AWARDED PUNITIVE DAMAGES OF 2800.00

Heath Clark

HEATH B CLARK